The article was alleged to be misbranded in that its labeling bore representations that it would aid in temporarily relieving the discomfort of nasal catarrh and that it was efficacious in the relief of mucous inflammation, which were false and misleading since it was not efficacious for the purposes for which it was so recommended.

It was alleged to be misbranded further in that the statements (bottle) "½ Fld. Oz." and (carton) "½ Fluid Ounce" were false and misleading since the volume was less than ½ fluid ounce. It was alleged to be misbranded further in that its containers were so made, formed, or filled as to be misleading.

On April 20, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

182. Misbranding of Medovapo Inhaler. U. S. v. 313 Retail Kits of Medovapo Inhaler. Default decree of condemnation and destruction. (F. D. C. No. 1008. Sample No. 46609–D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. Moreover, it contained materially less benzoic acid than the amount declared on the label.

On November 22, 1939, the United States attorney for the Northern District of Illinois filed a libel against 313 kits of Medovapo Inhaler at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 22, 1939, by the Med-O-Vapo Co. from Minneapolis, Minn.; and charging that it was misbranded.

Examination showed that the article consisted of an inhaling device and a bottle of medicament consisting chiefly of alcohol (57.8 percent), benzoic acid (1.9 grains per fluid ounce), menthol, camphor, thymol, pine oil, and water.

It was alleged to be misbranded in that representations in the labeling that it was a modern inhaling treatment of hay fever, sinus pains, catarrhal congestion, and bronchitis; that the benefit of inhaling treatment for helping nature throw off germs was generally recognized by physicians and known by experience to many people; that most sufferers from sinus pains and catarrhal congestion find greatest relief in the application of heat as directly as possible to the affected region and that the article provided the most direct and effective method of applying heat to the affected sinus regions; that most users get relief after the first few inhalations; that in many cases it had helped to reduce the swelling and had assisted nature in draining the congested sinus cavities, thus releasing the pressure on the nerves which cause the pain; that Medovapo inhalations would usually help and generally had been found to be more effective than outside dry heat applications or open steam inhalation; that sore throat, bronchitis, and other similar afflictions from colds had also been treated with Medovapo inhalations to help reduce the swelling, loosen the mucus, and lessen the tightness; that the product offered a convenient, inexpensive means of breathing water-washed, pollen-free, medicated air at any time, wherever one might be; that by using hot water in the inhaler and adding a few drops of Medovapo Inhalant (or one's doctor's prescription) one would enjoy the additional benefits of mild soothing medication and heated vapor, which would have a flushing, cleansing action on the irritated membranes and help nature in eliminating the mucus and make the relief more lasting; that many hay fever sufferers had discovered that it helps greatly to start Medovapo treatment 2 or 3 weeks in advance of the usual hay fever season; that four 10-minute treatments daily during the season generally would keep them comfortable; that even with cold water the device was effective; that in cases where the nasal passages had become so irritated that they were too sensitive for such a mild medication as the Inhalant that hot or cold water might be used, then as the irritation was relieved one drop of the Inhalant might be used and later the amount increased; that it was advisable to use the device at least every night and morning the year round by those who experience symptoms similar to hay fever, because they are allergic to house dust, soap, feathers, and many other things that are in the air all year round; that allergic asthma sufferers had reported that four 10-minute treatments of the device daily would usually leave the passages so free that symptoms were not as severe as to cause any great distress and that the throat tube as well as the usual bulbs were used for this treatment; which representations were false and misleading with reference to the effects of the article in hay fever, disease conditions of the sinus, catarrhal congestion, bronchitis, sore throat, and allergic asthma.

The article was alleged to be misbranded further in that the statement "Contains * * * Acid Benzoic 5 gr. * * * Q. S. 1 ounce" was false and misleading since it contained materially less than 5 grains of benzoic acid per fluid ounce.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VAPORIZING DEVICES

183. Misbranding of Jiffy Vaporizer. U. S. v. 27 Packages of Jiffy Vaporizer. Default decree of condemnation and destruction. (F. D. C. No. 1740. Sample No. 14682–E.)

This product consisted of an electrically heated device intended to produce steam. Its labeling bore false and misleading representations regarding its efficacy for the relief of bronchitis, asthma, hay fever, whooping cough, laryngitis, and catarrh; and for purifying the air.

On April 1, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 27 packages of Jiffy Vaporizer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 23, 1940, by Spielman & Co. from New York, N. Y.; and charging that it was misbranded for the reasons appearing above.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

184. Misbranding of electric vaporizers. U. S. v. 181 Packages of Kaz Electric Vaporizers. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1549. Sample No. 33180–D.)

This product was an electric heating device for producing steam and a bottle of a liquid labeled "Kaz For Colds," consisting essentially of oils of eucalyptus, peppermint, wintergreen, and lavender together with menthol and camphor dissolved in a mineral-oil base. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 29, 1940, the United States attorney for the Northern District of Ohio filed a libel against 181 vaporizers at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 25, 1939, by the Kaz Manufacturing Co. from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious and effective in the treatment of throat, lung, and nasal congestions including croup, whooping cough, asthma, chest colds, and similar complaints; that it would penetrate the sore, inflamed, and congested membranes of the nose, throat, and chest and carry with it the soothing, beneficial vapors of a scientifically prepared medication combined in correct proportions to give instant relief; and that it would give quick relief to throat and nasal congestions, which were false and misleading since it was not efficacious for the purposes recommended.

On August 21, 1940, the Kaz Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that it be relabeled under the supervision of the Food and Drug Administration.

185. Misbranding of vaporizers. U. S. v. 251 American Electric Vaporizers. Decree ordering product released under bond for relabeling. (F. D. C. No. 1617. Sample No. 3104–E.)

This device consisted of a jar equipped with two electrodes and was intended for the production of vapors. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 12, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 251 vaporizers at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about November 10, 1939, to on or about February 8, 1940, by the American Sundries Co. Inc., from Brooklyn, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as an efficient agency of administration in cases of bronchitis, asthma, whooping cough, laryngitis, and other similar respiratory ailments, that by vaporizing a few drops of pine needle oil it would purify the air in sleeping rooms, living rooms, or in public gathering quarters, which representations were false and misleading since it was not efficacious for the purposes so recommended.